APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,146	06/11/2002	Hisaki Hiraiwa	SONYJP 3.3-1235	·1561

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EXAMINER
FRINK, JOHN MOORE

ART UNIT	PAPER NUMBER
2142	

MAIL DATE	DELIVERY MODE
10/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/485,146	HIRAIWA ET AL.
	Examiner	Art Unit	
	John M. Frink	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>2/03/2000, 8/08/2006</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement filed 02/03/2000 fails to comply with the

provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the H. Shigeno et al.

publication (line 'AK') does not have a publication date listed. It has been placed in the

application file, but the information referred to therein has not been considered as to the

merits. Applicant is advised that the date of any re-submission of any item of

information contained in this information disclosure statement or the submission of any

missing element(s) will be the date of submission for purposes of determining

compliance with the requirements based on the time of filing the statement, including all

certification requirements for statements under 37 CFR 1.97(e). See MPEP

§ 609.05(a).

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by IEEE

P1394.1 Agenda (http://grouper.ieee.org/groups/1394/1/Documents/br021r00.pdf, April

1998), hereafter April Agenda.

April Agenda shows a method for selecting a network manager and a network managing method for managing a network system composed by connecting buses having at least one node connected with a first bridge to form a sub-network, and connecting plural networks with a second bridge, and comprising the steps of:

Selecting a network manager from sub-network managers specified in each of said sub-networks (pg. 8);

causing the selected network manager to assign each sub-network with an address (pg. 17);

and causing the selected network manager to set communication paths between respective sub-networks (pgs. 24-26).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 2, 6, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over April Agenda, further in view of IEEE P1394.1 Bridge Manager Selection During Net Configuration, Proposal for March 19 and 20 P1394.1 working group, (http://grouper.ieee.org/groups/1394/1/Documents/br018r00.pdf, March 1998), hereafter March Proposal.

4.   Regarding claims 2 and 18, April Agenda shows claim 1, including where the

selected network manager is the sub-network manager having the highest rank among

said sub-network managers (pgs. 8 and 10).

April Agenda does not show where said highest rank is related to manager

capability.

. March Proposal shows where a manager is selected on the basis of being the

most capable (pgs. 4 and 7).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the disclosure of April Agenda with that of March Proposal as they

are clearly meant to be utilized together, as they were submitted to the same standards

group (IEEE 1394 group), and the April Agenda specifically references the March

Proposal (pg. 1, line 1).

5.   Regarding claims 6 and 22, April Agenda in view of March Proposal further

shows the network managing method of claim 1, wherein management by said network

manager includes selecting said sub-network manager having the highest capability as

the network manager in communication between adjacent ones of said plural sub-

networks (March Proposal, pgs. 4 and 7; April Agent pg. 8).

6.   Claims 3, 4, 5, 7 – 16, 19, 20, 21 and 23- 29 are rejected under 35 U.S.C. 103(a)

as being unpatentable over April Agenda in view of March Proposal as applied to claim

2 above, and further in view of Lawande et al. (US 6,219,697 B1), hereafter Lawande.

7.   Regarding claim 3, April Agenda in view of March Proposal shows claim1 1,

where each said sub-network manager has a parameter showing its own manager

capability (April Agenda, pgs. 8 and 10; March Proposal pgs. 4 and 7) and where each

sub-network manger has an 'EUI' (March Proposal pgs. 4 and 7).

April Agenda in view of March Proposal do not show where said 'EUI' is

identification data intrinsic to an appliancè containing the network manager.

Lawande shows each node in the network (and thus each sub-network manager)

has identification data intrinsic to an appliance containing the network manager (col. 13

line 37 – col. 14 line 22).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the disclosure of April Agenda in view of March Proposal with that of

Lawande and they both deal with optimizing the IEEE 1394 bus protocol (Lawande,

Abstract).

8.   Regarding claim 19, April Agenda in view of March Proposal and Lawande

further show selecting a network manager wherein each said sub-network manager has

a parameter showing its own manager capability and identification data intrinsic to an

appliance containing the network manager, and the network manager is selected

according to the parameter and identification data (April Agenda, pgs. 8 and 10; March

Proposal pgs. 4 and 7; Lawande, col. 13 line 37 – col. 14 line 22).

9.   Regarding claims 4 and 20, April Agenda in view of March Proposal and

Lawande further show wherein a process for selecting said sub-network manager

having the highest manager capability includes comparing parameters showing

manager capabilities possessed by respective sub-network managers (April Agent, pgs.

8 and 11; March Proposal pgs. 4 and 7).

10.   Regarding claims 5 and 21, April Agenda in view of March Proposal and
Lawande further show wherein the selected sub-network manager is selected as a
network manager by comparing identification data intrinsic to each said appliance in a
specified state when the said parameters showing manager capabilities are identical
(April Agenda, pgs. 8 and 10; March Proposal pgs. 4 and 7; Lawande, col. 13 line 37 –
col. 14 line 22).

11.   Regarding claims 7 and 23, April Agenda in view of March Proposal and
Lawande further show wherein a parameter showing the manager capabilities (March
Proposal, pgs. 4 and 7) and identification data intrinsic to an appliance containing the
selected network manager (Lawande, col. 13 line 37 – col. 14 line 22) are transmitted
between adjacent ones of said sub-network managers (April Agenda, pg. 17).

12.   Regarding claims 8 and 24, April Agenda in view of March Proposal and
Lawande further show wherein one sub-network manager is selected by comparing two
sub-network managers in a transmission of said parameters showing the manager
capability (March Proposal, pgs. 4 and 7) and said identification data (Lawande, col. 13
line 37 – col. 14 line 22) between adjacent ones of said plural sub-network managers
(April Agenda, pg. 17),

        a non-selected sub-network manager inherits a manager capability parameter
and identification data from the selected sub-network manager (April Agenda, pg. 8),
and

        a subsequent comparison of adjacent sub-network parameters is performed
using the inherited parameter showing manager capability and identification data used

as the parameters and identification data for the non-selected sub-network manager
(April Agenda, pgs. 11 – 17).

13.   Regarding claims 9 and 25, April Agenda in view of March Proposal and
Lawande further show wherein one sub-network manager is selected as a parent by
comparing two sub-network mangers in the transmission of said parameters showing
the manager capability and said identification data between adjacent ones of said sub-
network managers, and the non-selected sub-network manager is regarded as a child
(Lawande, col. 13 liens 14 – 25; April Agenda pgs. 11 – 17; March Proposal, pgs. 4 –
17).

14.   Regarding claims 10 and 26, April Agenda in view of March Proposal and
Lawande further show wherein when said capability parameters and said identification
data of both said sub-network managers are identical in said comparison (March
Proposal, pg. 4 – 9) the manager capability parameters and identification data are
assumed to be inherited from the same parent sub-network manager, and the parent-
child relationship is disregarded (March Proposal, pg. 9 – 17).

15.   Regarding claims 11 and 27, April Agenda in view of March Proposal and
Lawande further show wherein when a relation with one adjacent sub-network manager
is the parent, and there is no other adjacent sub-network manager, an end command is
transmitted to the parent sub-network manager (April Agenda, pgs. 16-23).

16.   Regarding claims 12 and 28, April Agenda in view of March Proposal and
Lawande further show wherein if a relation with one adjacent sub-network manager is
the parent, and a relation with a remaining adjacent sub-network manager is indifferent

to said parent-child relation or said child, and an end command is received from all children, an end command is transmitted to the parent sub-network manager (April Agenda, pgs. 16 – 23).

17.   Regarding claims 13 and 29, April Agenda in view of March Proposal and Lawande further show wherein when a relation with all adjacent sub-network managers is indifferent to said parent-child relation or said child, and an end command is received from all children, the sub-network manager is judged to be said network manager (April Agenda, pgs. 8 and 16-23).

18.   Regarding claim 14, April Agenda in view of March Proposal and Lawande further show making a first command for sending out a capacity parameter and intrinsic identification data as a communication command in transmission between adjacent ones of said plural sub-network managers, and demanding a one-to-one comparison with an adjacent sub-network manager, and making a second command for comparing a response to said first command, and reporting a result of the said step of comparing (April Agenda, pgs. 8 – 16, March Proposal, pgs. 4 – 7).

19.   Regarding claim 15, April Agenda in view of March Proposal and Lawande further show wherein, in the case of making said first command and said second command, it is judged whether the second command is valid by setting a specified counter value and comparing both said sub-network managers to the set counter value (April Agenda, pgs. 27 – 33).

20.   Regarding claim 16, April Agenda in view of March Proposal and Lawande further show wherein a sub-network manager judging itself to be said network manager

transmits a selection end command indicating its selection as a network manager to all

adjacent sub-networks, and a sub-network manager receiving data indicating selection

as the network manager transmits a selection end command to all adjacent said child

sub-network managers (April Agenda, pgs. 17 – 26).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John M. Frink whose telephone number is (571) 272-

9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off

alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.
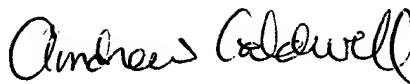
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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER